



MONTANA
WIC
PROGRAM

FARM DIRECT HANDBOOK



Montana WIC Program
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Farm Direct Handbook

This Handbook applies to all Farmers authorized with the Montana Department of Public Health and Human Services (Department) to participate in the WIC Farm Direct Program in Montana. These procedures should be reviewed before a Farmer signs an agreement to participate in the Farm Direct Program. The authorized Farmer must comply with procedures outlined in this handbook to retain agreement authorization.

To be an authorized Farmer and participate in the Farm Direct Program, the applicant must meet the selection criteria, and have a fully executed authorization agreement with the Department.

WIC Program Overview

WIC, (the Special Supplemental Nutrition Program for Women, Infants, and Children), is a nutrition program for women, infants and children. The U.S. Congress established WIC in 1972 in recognition of the need for adequate nutrition during pregnancy and early childhood, especially among limited income families. The Montana WIC Program provides nutrition education, breastfeeding support, supplemental foods, and referrals for health services to more than 20,000 individuals per month.

WIC services are available to women who are pregnant or who recently had a baby, infants and children up to the age of five. Participants must meet income eligibility criteria (at or below 185 percent of the federal poverty guidelines), must be a resident of Montana, and be determined as having a nutrition need.

A Fruit & Vegetable Benefit (FVB) is a type of food benefit issued to some WIC participants for the purchase of fruits and vegetables. Unlike prescribed WIC food benefits, the WIC participant may purchase eligible fresh and /or frozen fruits and vegetables which meet WIC guidelines. FVBs are issued in increments of \$8.00, \$11.00, and \$16.50 based on the value of benefits the participant is authorized to receive.

Montana WIC Farm Direct Program

The Farm Direct Program is a state-administered federal nutrition program that authorizes Farmers to accept WIC Farmers Market Nutrition Program Benefits (FMNP) and WIC Fruit & Vegetable Benefits (FVB).

Participating in the Farm Direct Program provides Farmers with additional sales opportunities and promotes the production of locally grown fresh fruits and vegetables.

WIC participants shopping with authorized Farmers have a large array of locally grown fresh fruits and vegetables to choose from, which may help reduce some of the barriers to a healthy diet that many low income families experience.

Definitions

Farmer - An individual authorized to sell locally grown produce at farmers' markets and/or roadside stands. Individuals, who sell produce grown by someone else, such as a wholesale distributor, cannot be authorized.

Eligible Foods - Fresh, locally grown fruits and vegetables as listed on the Farm Direct Food List.

Locally Grown - Produce grown only within Montana borders, or counties adjacent to Montana borders where the farmer is selling the produce.

Selection Criteria

The Department establishes and periodically reviews criteria for the selection of Farmer applicants to whom agreements, authorizing the transaction and redemption of WIC benefits, are awarded. The Department shall ensure that an appropriate number of Farmers will be authorized. The Farmer must comply with the Farmer selection criteria throughout the agreement period. The Department may reassess the Farmer at any time during the agreement period using the selection criteria in effect at the time of reassessment. The Department will terminate the agreement if the Farmer fails to comply with the current Farmer selection criteria.

Farmer selection will be based upon consideration of the following:

1. The Farmer must participate in initial face-to-face training for the first year of the agreement. The Farmer must agree to annual training for every subsequent year of their agreement. The Department, or its liaison, will perform the required training.
2. The Farmer must grow Farm Direct approved fruits and vegetables him/herself and may sell only locally grown produce as part of their Farm Direct participation.
3. At least sixty (60) percent of all produce for sale must be grown by the Farmer, and all WIC-eligible produce must be locally grown. The Farmer will clearly identify and separate produce which is not eligible to be paid for with WIC benefits.
4. Farmers are not allowed to operate another farmer's booth/stall/stand or booth space.
5. The Farmer will assure that no conflict of interest exists between the Farmer and Montana WIC.
6. The Farmer will agree to comply with civil rights requirements as stated in 7 CFR 248.10(a)(6) and 248.7(a): title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of

- 1975, Department of Agriculture regulation on nondiscrimination (7 CFR parts 15, 15a and 15b), and applicable FNS Instructions to ensure that no person shall, on the grounds of race, color, national origin, age, sex or disability, be excluded from participating as a farmer or customer.
7. The Department will not authorize any Farmer applicant if during the last six (6) years the Farmer applicant has been convicted of, or had a civil judgment entered against them, for any activity indicating a lack of business integrity. The Department's determination of lack of business integrity includes, but is not limited to: fraud, embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, making false claims, or obstruction of justice.
 8. Farmers shall have and maintain a positive compliance history with any and all USDA Food and Nutrition Services (FNS) programs in which they are or have participated.
 9. The Farmer will agree not to sell any unauthorized food items, as specified on the Farm Direct Authorized Food List.
 10. The Farmer will agree that the Farm Direct Program may choose not to renew the FD agreement with the Farmer if the Farmer has less than \$60.00 worth of FMNP redemption, on average, during their contract period.
 11. The Farmer will agree to provide information to the Montana WIC Program and/or the Food and Nutrition Service (FNS), if available.

Application & Agreement

The Department has a three (3) year agreement directly with Farmers. This agreement may be terminated within fifteen (15) days of written notice.

1. The Farmer must submit a completed application for authorization no later than July 1 of the market season.
2. The Farmer must meet the selection criteria published in this Farm Direct Handbook including any revisions to the selection criteria that occur during the agreement period.
3. The Farmer must participate in initial face-to-face training the first year of the agreement and annual training for every subsequent year of the agreement.
4. The Farmer shall not accept WIC benefits until the Farmer has been notified that the agreement has been fully executed by the Department.
5. The authorized Farmer will receive a Farm Direct ID stamp and sign.

The sign must be displayed at all points of sale, every time the Farmer is selling produce in exchange for WIC benefits. The ID stamp must be imprinted on all redeemed WIC benefits before they are submitted to the bank.

6. If the agreement expires without subsequent authorization, the farmer must return the Farm Direct ID stamp to the Montana WIC Program.
7. In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotope, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) Mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
- (2) Fax: (202) 690-7442; or
- (3) Email: program.intake@usda.gov.

This institution is an equal opportunity provider.

As stated above, all protected bases do not apply to all programs, “the first six protected bases of race, color, national origin, age, disability and sex are the six protected bases for applicants and recipients of the Child Nutrition Programs.”

Farmer Re-authorization (Agreement Renewal)

The Montana WIC Farm Direct Agreement may be valid for a time period of up to three (3) years. Montana WIC will determine the end date of the agreement before it is issued. Prior to subsequent authorization of the farmer, a review of the farmer's file will take place and a determination made to offer the farmer the option to apply for reauthorization. Reauthorization evaluation will include a review of the farmer's history with the WIC Program.

Subsequent Authorization Standards

In addition to maintaining the standards for the initial application, a subsequent applicant must also meet the following standards:

1. Within the last contract year, has actively participated in the Farm Direct Program and redeemed FMNP and/or Fruit & Vegetable benefits.
2. Has attended the required annual WIC training.
3. Has successfully resolved and responded to all problems brought to their attention by the WIC Program.
4. Farmers applying for subsequent authorization must submit an application and agreement within the cover letter's stated timelines, or risk losing their WIC Farm Direct authorization.

Items to be Reviewed and Evaluated Prior to Reauthorization

- ⇒ WIC benefit redemption information;
- ⇒ Complaints, violations and/or sanctions;
- ⇒ Monitoring Reports;
- ⇒ Review of farmer's attendance at annual trainings;

Farmers whose files pass the "Re-authorization Review" will be sent a packet to apply for subsequent authorization. Farmers not passing the "Reauthorization Review" will be sent a letter explaining the concern of the WIC Program. A written response or corrective action plan will be required. If these concerns cannot be resolved, a subsequent application will not be issued.

Ending the Farm Direct Agreement

Expiration of the Agreement

Neither Montana WIC nor the farmer has an obligation to renew the Farm Direct Agreement. Expiration of an agreement is not subject to administrative review.

If the agreement expires without subsequent authorization, the farmer must return the WIC stamp to Montana WIC on the expiration date of the MOU.

Termination of the Agreement

Montana WIC will terminate a farmer agreement:

- If either party requests cancellation in writing with a thirty (30) day notice;
- Immediately if the farmer is disqualified from SNAP;
- If the farmer fails to comply with any part of the agreement;
- Immediately if ownership changes; or if it is determined that false information was provided on the application.

The farmer stamp must be returned to Montana WIC upon termination of the Farm Direct Agreement.

Farm Direct Sign

The Farm Direct sign is required to be displayed in a highly visible location at the sales location (table, awning, truck, etc.).

A sign with the WIC boxes checked lets a WIC participant know you are an authorized Farm Direct farmer. WIC participants cannot redeem benefits with farmers that do not display the sign.

Farmers with multiple sales locations may request additional signs.



Stamp

Each Farmer is assigned and issued a unique four digit identification number and ID rubber stamp. WIC stamps will be provided to Farmers at no cost. No Farmer should use a stamp not issued by the WIC Program.

Each WIC benefit accepted at a store must have the identification number stamped on it before being deposited at the bank.

As a result of the federal law “Check 21”, all WIC benefits are processed using

electronic images. This means when WIC benefits are deposited, an electronic image of the benefit is sent to the WIC bank for processing. Farmer stamps should be a solid impression of the stamp as the numbers link you to the benefit. Sometimes benefits are rejected due to illegible stamps, but the stamp imprint was clear on the original benefit. This is likely due to the fact that image quality is poor. You can also work with your bank to ensure that the images it creates are as clear as possible.

Eligible Fresh Fruits & Fresh Vegetables

Approved foods are locally grown, fresh, unprepared fruits and vegetables.

Fresh Vegetables

Asparagus	Garlic	Rhubarb
Beans, yellow or green	Kale	Rutabagas
Beets	Kohlrabi	Spinach
Broccoli	Leeks	Squash-
Brussels Sprouts	Lettuce	summer & winter varieties
Cabbage	Mushrooms	Sweet potatoes
Carrots	Mustard Greens	Swiss Chard
Cauliflower	Okra	Tender Greens -
Celery	Onions	similar to lettuce
Chinese Cabbage	Parsnips	Tomatoes
Collard Greens	Peas	Turnips/Turnip Greens
Corn	Peppers	Watercress
Cucumbers	Pumpkins	Zucchini
Eggplant	Radishes/Horseradishes	
Potatoes		

Fresh Fruits

Apples	Chokecherries	Peaches
Apricots	Currants	Pears
Blackberries	Gooseberries	Plums
Blueberries	Grapes	Raspberries
Cantaloupe	Huckleberries	Strawberries
Casaba Melons	Melons	Watermelons
Cherries	Nectarines	

Items that may not be purchased with WIC FMNP or WIC Fruit & Vegetable Benefit Any processed produce or non-foods items, including:

Baked Goods	Fresh Herbs	Plants (herb or vegetable)
Cheese	Honey	
Crafts	Juices	
Eggs	Nuts	

A copy of the approved food list must be kept at each point of sale.

WIC Fruit & Vegetable Benefit (FVB)

The Fruit & Vegetable Benefits are for a fixed dollar amount (\$8, \$11 or \$16.50) as stated on the front of the benefit. The WIC participant CAN pay the difference above the maximum amount stated on the Fruit & Vegetable Benefit. This means if a WIC customer wants to purchase, for example, \$8.25 worth of fruits and vegetables with an \$8.00 benefit, they may pay the \$.25 with another method of payment (debit card/SNAP token/cash). They may also choose to return something to be at or below the dollar amount printed on the benefit. **They cannot be required to pay the overage. They can put something back if they do not wish to pay what is not covered by the benefit.** You may not give change for a WIC transaction but you may give change for the “overage” if it is a cash transaction (not SNAP). Make sure you write the maximum allowable amount on the benefit – this is the WIC transaction. Important: do not write the overage amount on the benefit! The bank will reject this benefit if you do so – it is considered “double dipping.” The overage amount is considered a personal transaction outside of WIC purview. FVB's and FMNP Benefits need to be redeemed in separate transactions.

WIC ID Page of the Participant Booklet

WIC benefits must always be accompanied by a WIC Participant Booklet. The back page of the booklet shows the names of who can cash the benefit. One of the signatures on the WIC ID Page must match the signature on the bottom right of the benefit. Sometimes a person other than a parent or guardian may be authorized to sign the benefit. Such a person is referred to as an authorized representative and that person's signature will be on the WIC ID Page.



WIC Farmers' Market Nutrition Program (FMNP) Benefits

WIC Farmers' Market Nutrition Program (FMNP) Benefits have a maximum value of \$5 which cannot be exceeded. The WIC participant CAN pay the difference above the maximum amount stated on the FMNP Benefit. Please refer to page 12 for more information.

Transaction Policies and Procedures

1. Under no circumstances may WIC benefits be exchanged for cash.
2. WIC customers have the option to pay the overage amount if the "Amount of Sale" exceeds the maximum value of the benefit. If the participant chooses to pay the extra, it is a separate transaction and outside of WIC purview. Remember, you cannot give change if the benefit is below the printed amount but you may give change if the participant chooses to pay the extra with their own funds. If the participant chooses not to pay the overage amount please help the participant in selecting items to remove from the transaction.
3. The Farmer will clearly identify and separate produce which is not eligible to be paid for with WIC benefits.
4. Non-approved locally grown foods (for example herbs) must be grouped separately, from Farm Direct approved produce. The Farm Direct sign must be displayed with the eligible foods, so WIC participants can easily see which foods may or may not be purchased with the WIC benefits.
5. The Farmer or his/her employee need to be physically present and operating their own booth/stall/stand. A Farmer may NOT accept WIC benefits and/or operate a booth/stall/stand for a Farmer not physically present.



Overview of the WIC Transaction

It is important that the Farmer understands and follows the correct WIC benefit cashing procedures. The following guidelines must be observed when handling WIC benefits:

1. The customer should **separate WIC purchases by benefit type.** (Purchases made with Fruit & Vegetable Benefits (FVB) need to be separate from those made with Farmers Market Nutrition Program (FMNP) Benefits.)

2. **Ask to see the Montana WIC Participant Booklet**

DO NOT ACCEPT any WIC benefits without a Montana WIC Participant Booklet.

Hold onto the booklet so the signatures can be compared at the end of the transaction.

3. **Check the dates.** FVB's & FMNP Benefits cannot be used before the "First Day To Use" or after the "Last Day To Use." Enter the date of use. *Remember: You will not be reimbursed for benefits accepted outside of the use dates.*

4. Make sure the fruits & vegetables being purchased are listed on the Eligible Fresh Fruits & Fresh Vegetables Food List.

5. **Total the purchase. Enter the Actual Amount of the Sale.**

If the benefit total is written over or entered incorrectly, put one line through the amount and write the correct amount in the correction box and have the participant initial the change.

6. If the cost of the fruits & vegetables selected for purchase exceeds the maximum value written on the benefit, enter the maximum benefit value and the participant may pay the difference in a separate transaction. Do not write the amount of the overage on the benefit.

7. **Ask the WIC participant to sign the benefit.** Compare the signature on the WIC benefit with the signature on the WIC ID Page. *If the participant's signature is not on the ID Page, do not accept the benefit.*

8. Return the Participant Booklet.

9. **Review the benefit for accuracy, valid date range and a signature before deposit.**

Stamp the benefit with the Farm Direct ID stamp using a black ink pad. The stamp image must be legible.

Check the purchase price to ensure the total is accurate and legible.

Correcting Benefit Errors Before Deposit

It is recommended that the WIC benefits be reviewed for redemption errors prior to submission to your bank.

The following errors can be corrected before deposit:

- ⇒ If the purchase price is **unclear or not legible**, use a black pen to correct the price. To make a correction that is equal to or less than the original amount, place a single line through the price and write the corrected price in the correction box and initial the change. Deposit to the bank.
- ⇒ If a mistake is made or a food item is added during the transaction and the **adjusted price is higher** than the original price, submit the benefit and a copy of the transaction receipt to the State WIC Office for review and approval **before** depositing the benefit to the bank.
- ⇒ If the WIC participant or proxy **signature is missing**, submit the benefit and the missing signature form (page 17) documentation to the State WIC office for review. Benefits deposited without a signature will be rejected/voided and are not eligible for review or redeposit.
- ⇒ Check to be sure the stamp has been placed legibly in the stamp box.
- ⇒ Benefits deposited without a signature, redeemed before the “First Day to Use” or after the “Last Day to Use”, or with the purchase price missing will be rejected from the bank and are not eligible for State review or redeposit.
- ⇒ Deposit all benefits within 30 days of the “Last Day to Use”. Call the State WIC Office at (406) 444-4746, with any questions regarding benefit redemption.
- ⇒ Due to the FMNP Grant cycle end dates, all FMNP benefits redeemed in September, must be deposited to the bank by October 31th. Benefits deposited past this date may not be processed, due to the closure of the bank account.

Rejected Benefits & Reduced Payment

Where do WIC benefits go after they are cashed and deposited with your bank? The benefit is processed through the Federal Reserve System and is presented to WIC’s financial intermediary.

Because of federal Check 21 regulations, banks have the option of returning a legal electronic copy of the WIC benefit, called an IRD, rather than the original when returning a rejected WIC benefit. This legal copy is about 2/3 the original size and may be used the same as the original. The bank will stamp the reason for the rejection on the front of the WIC benefit.

The financial intermediary performs a “pre-edit” on each WIC benefit to determine whether or not it meets WIC’s requirements for payment. If a benefit

does not pass this “pre-edit” test it will not be paid. It will be returned to your depository bank with a stamp indicating why it was not paid. Your bank will return the benefit to you and may charge you a fee.

The bank evaluates the benefits for various items. For example:

- Whether the food benefit has a valid Farm Direct stamp with a legible Farmer number and date of transaction;
- Whether the date of transaction is between the first and last days to use;
- Whether the WIC benefit has an authorized signature in the proper box;
- Whether the benefit has a total amount written in the “Amount of Sale” box;
- Whether the total exceeds the maximum reimbursable amount; and
- Whether the food benefit was deposited to the bank within 30 days of the “Last Day to Use”.

The Farmer CANNOT contact the WIC participant either to correct a WIC benefit problem or require payment from the WIC participant because a WIC food benefit has been or will be rejected.

WIC benefits redeemed prior to the “First Day to Use” or after the “Last Day to Use”, sent to the bank more than 30 days after the “Last Day to Use”, missing the total amount in the “Amount of Sale” box, or deposited without a WIC participant signature will not be paid or accepted for review and validation.

If the WIC benefit was rejected because of a “Missing Retailer Stamp” ONLY, the Farmer may stamp the front of the WIC benefit or the legal copy of the WIC benefit and resubmit it to the bank without sending it to the State office for validation.

WIC benefits rejected for “Adjusted \$ Amount” or “Over Max \$” must be submitted to the State WIC office for review, possible adjustment and approval or void validation.

Farmers are not allowed to make any alterations to the original printing on the WIC benefit. Doing so is a violation and may cause a sanction to be assigned to the farmer.

Monitoring

Monitoring refers to the regular review of authorized Farmers to determine adherence to Program policies and procedures and to identify specific areas that are found to be deficient during the review.

The monitor conducting the review will check to see that:

- The Farm Direct sign is posted.
- No barriers to service exist.
- Redemption procedures are being followed.
- Non-discrimination guidelines are being followed.
- The Farmer is selling locally grown, eligible fresh fruits & vegetables.
- Prices for eligible WIC produce are posted.

The monitor may perform a covert purchase with WIC benefits to determine where potential weaknesses lie. This means the monitor may shop in your point of sale pretending to be a WIC participant.

During a monitoring visit a Farmer must provide access to negotiated WIC benefits and price records upon request.

Any violation of WIC regulations will be documented on the monitoring form. The form will be discussed with the farmer and he/she will be asked to sign the form. The form will outline steps necessary to correct deficiencies found during the visit. Some deficiencies may result in a warning letter, corrective action plan, mandatory training or disqualification.

Violations & Sanctions

Violation of WIC Farm Direct policies and procedures by an authorized Farmer will be identified as class I, II, or III violation. The Montana WIC Program will issue sanctions to the Farmer who violates the Federal Regulations or the terms of this contract by doing any of the following:

Class I Violations

- ◆ Failing to post or display the Farm Direct sign.
- ◆ Accepting WIC benefits outside the valid dates.
- ◆ Accepting WIC benefits for produce which is not grown in Montana or counties outside but adjacent to Montana.
- ◆ Accepting WIC benefits for unauthorized food items.
- ◆ Failing to clearly identify and separate produce which is not eligible to be paid for with WIC benefits.
- ◆ Charging a sales tax or fee for produce purchased with WIC benefits.
- ◆ Seeking restitution from a WIC participant or proxy for a WIC benefit not reimbursed.

Class II Violations

- ◆ Giving or accepting change or issuing a rain check to a WIC customer.
- ◆ Exchanging WIC benefits for cash, either for a customer or any unauthorized source, including WIC benefits that were accepted by an unauthorized, suspended or disqualified Farmer.
- ◆ Accepting WIC benefits, or indicating a willingness to accept WIC benefits by posting a Farm Direct sign, when the Farmer is not currently authorized to participate.
- ◆ Discriminating against WIC customers either by treatment, service or price charged for produce.
- ◆ Failure to abide by the minimum required amount of self-grown produce.

Class III Violations

- ◆ Discriminating against a WIC customer based on race, color, national origin, sex, age, disability (Federal Civil Rights);
- ◆ Not allowing the WIC Farm Direct liaison or another WIC designated official to perform monitoring for compliance with Farm Direct requirements.
- ◆ Knowingly providing false information or claiming a false status (actually a wholesaler or not a grower of locally grown produce) to the Montana WIC Program to obtain a Farm Direct Agreement.

The first offense of a

- Class I Violation will result in a written warning;
- Class II Violation will result in a 15 day suspension from the postmark date of the written warning; and
- Class III Violation will result in disqualification beginning 15 days from date of receipt of written notice and which will remain in effect for the remainder of the current market season and the following season.

The second offense of a

- Class I Violation will result in a 15 day suspension from the postmark date of the written warning;
- Class II Violation will result in a disqualification beginning 15 days from date of receipt of written notice and which will remain in effect for the remainder of the current market season and the following season; and
- Class III Violation will result in permanent disqualification from the Montana WIC Farm Direct Program beginning 15 days from date of receipt of written notice.

1. The Farmer may be prosecuted for fraud or abuse under applicable federal, state, or local laws. The penalty or fine for misuse or illegal use of program funds, property or assets of a value equal to or greater than \$100 shall not exceed \$25,000 or imprisonment for not more than five years, or both. If the value of FMNP funds, property or assets which is misused or illegally used is of less than \$100, the penalty or fine shall not exceed more than \$1,000 or imprisonment for not more than one year, or both.
2. Neither the Montana WIC Program nor the Farmer has an obligation to renew this Agreement. Either the Montana WIC Program or the Farmer may terminate this Agreement for cause after providing the other party 15 (fifteen) days advance written notification. The Montana WIC Program may terminate this Agreement if the Farmer does not comply with this Agreement or the Farm Direct abuse and sanction policy, FNS Interim Regulations, or any other applicable federal, state or local civil or criminal laws, including state and federal nondiscrimination law.
3. The Farmer may appeal through the fair hearing process any denial of application, sanctioning or disqualification. The Farmer may not appeal a termination due to expiration of the contract or claims actions under section 248.20 of the Federal Regulation.
4. This Agreement is not assignable or transferable.
5. Signing of this Agreement signifies training has been completed and the Farmer, Local WIC Agency and the Montana WIC Program are aware of all responsibilities required to participate in the Farm Direct Program.
6. The Farmer is accountable for the actions of employees and volunteers in the provision of foods and activities.

Fair Hearings

A Farmer may request a Fair Hearing to appeal a denial of application, sanctioning or disqualification. All requested fair hearings will be conducted by Montana WIC within three weeks of the date the Program receives the request for a hearing. The following procedure will be followed:

1. The Farmer has sixty (60) days from the date of the denial of application, sanctioning or disqualification to request a fair hearing. The request may be made through the WIC Farm Direct Liaison or the Montana WIC State Office. The request for a fair hearing may be written or verbal.
2. The Montana WIC Program will set the hearing date within three weeks of the receipt of the request.
3. The Farmer will be notified in writing within a minimum of ten days in advance of the time and place of the hearing.
4. The fair hearing will be held in the county of residence of the Farmer.
5. The fair hearing will be conducted by a fair and impartial official according to 248.16 and applicable portions of Title 2, Chapter 4 Montana Code Annotated, whose decision will rest solely on the evidence presented at the hearing and statutory and regulatory provisions governing the Farm Direct Program in Montana.
6. The Farmer will have the opportunity to:
 - a. review the case file;
 - b. representation by legal counsel;
 - c. confront and cross-examine any witnesses;
 - d. present his/her case; and
 - e. reschedule the hearing date once upon request.
7. The Farmer will be notified of the decision in writing within forty-five (45) days of the original request.
8. The Farmer may appeal the fair hearing decision in District Court in the First Judicial District of the State of Montana, in and for the County of Lewis and Clark within thirty (30) days of receiving the written decision.
9. Expiration of an agreement with a Farmer and claims actions under Section 248.20 are not subject to appeal.
10. An adverse action may, at the State Agency's option, be postponed until a decision in the appeal is rendered.

Civil Rights

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

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Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
- (2) Fax: (202) 690-7442; or
- (3) Email: program.intake@usda.gov.

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As stated above, all protected bases do not apply to all programs, “the first six protected bases of race, color, national origin, age, disability and sex are the six protected bases for applicants and recipients of the Child Nutrition Programs.”

Discrimination of a WIC participant is a serious violation of the Montana WIC Farm Direct Agreement and may result in a sanction or disqualification. Authorized WIC farmers must comply with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and Department of Agriculture regulations on nondiscrimination contained in Parts 15, 15a and 15b and FNS instructions as outlined in Part 249.7 of Title 7 Code of Federal Regulations, as of May 26, 2005.

All Civil Rights complaints are handled by the U.S. Department of Agriculture, not the Montana State WIC Agency. If a farmer is found in violation of Federal Civil Rights discrimination, the farmer will be disqualified.

Complaints Against WIC Participants

On occasion, a Montana WIC participant may violate WIC Program requirements. If the Farmer cannot resolve the conflict by informing the participant of the proper WIC procedures, then the Farmer needs to report the incident on a *Participant Complaint Form*. Please complete the form with all relevant information. If possible provide the participant’s name and ID number and as many details of the

incident as possible as this will aid in the discussion with the participant at the clinic. WIC participants are not permitted to cause a disturbance at your point of sale, abuse your employees or violate the procedures for redeeming benefits.

When to Report a Complaint or Violation

Many Farmers do not like reporting WIC participants because they feel they will lose a customer. However, once a Farmer allows the inappropriate behavior, that behavior will likely continue. When in doubt about how to report or what to report, the farmer should contact their WIC Farm Direct liaison or the State WIC Agency at 1-800-433-4298.

WIC Participant Violations

Any one of the following constitutes a violation of the WIC Program.

If the WIC participant:

- Redeemed a WIC benefit outside authorized dates or attempted transaction of WIC benefits with unauthorized farmers;
- Altered the WIC benefit in any way including intentionally utilizing false signatures, or proxy signatures;
- Attempted to redeem, received or purchased ineligible produce, or more WIC produce than authorized;
- Verbally or physically abused or threatened physical abuse of farm staff;
- Exchanged a WIC benefit for cash, credit, or non-food items, including produce in excess of the maximum value printed on the WIC participant's benefit; or
- Intentionally making false or misleading statements or intentionally misrepresented, concealed or withheld facts in order to redeem benefits.

Process Form: Missing Signature Benefits

Farmer Number: _____

Use this form to document a missing signature. Send this form and the benefit (check) to the State WIC office to be reviewed for approval.

Benefit Number	Name of Farmer	Farmer #	Date Sent to State Office

Process Form: Missing Signature Benefits

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